

BOARD OF SELECTMEN

Tuesday, January 8, 2019

The Board of Selectmen met on Tuesday, January 8, 2019 at 6:30 p.m. at the Town Hall (Clark Room). Those present were Chairman Nathan Brown, Kate Reid, Luke Ascolillo, and Alan Lewis. Kerry Kissinger will be participating in this meeting remotely via Skype.

Note: In accordance with Open Meeting Law (OML) requirements regarding Remote Participation all votes taken by the Board of Selectmen during tonight's meeting shall be by roll call vote.

Executive Session - Joint Meeting with Carlisle Affordable Housing Trust (CAHT):

On the motion made by Kate Reid and seconded by Luke Ascolillo, it was unanimously ***VOTED by the Board of Selectmen*** enter into a joint executive session with the Carlisle Affordable Housing Trust, pursuant to M.G.L. c.30A, §21(a)(1), to discuss an Open Meeting Law Complaint filed against the members of the Board of Selectmen and the Carlisle Affordable Housing Trust on December 20, 2018, to invite Tim Goddard, and Ivria Glass Fried to attend the joint executive session, and to reconvene in open session for the purpose of continuing on with the items as listed in the Board of Selectmen's agenda.

ROLL CALL VOTE: A. Lewis-Aye, Ascolillo-Aye, N. Brown-Aye, K. Reid-Aye and K. Kissinger-Aye.

On the motion made by Nathan and seconded by Luke Ascolillo, it was unanimously ***VOTED by the Carlisle Affordable Housing Trust*** to enter into a joint executive session with the Board of Selectmen, pursuant to M.G.L. c.30A, §21(a)(1), to discuss an Open Meeting Law Complaint filed against the members of the Carlisle Affordable Housing Trust and the Board of Selectmen on December 20, 2018, to invite Tim Goddard, and Ivria Glass Fried to attend the joint executive session, and to reconvene in open session for the purpose of adjourning the meeting

On the motion made by Kate Reid and seconded by Luke Ascolillo, it was unanimously ***VOTED*** to adjourn the meeting of the Carlisle Affordable Housing Trust.

ROLL CALL VOTE: A. Lewis-Aye, Ascolillo-Aye, N. Brown-Aye, K. Reid-Aye and K. Kissinger-Aye.

7:10p.m. Nathan Brown reconvened the Board of Selectmen meeting in open session.

Community Input:

Desiree Ball (Prospect Street) requested to know when the Deer Committee will be presenting its report to the Board of Selectmen. She attended the Jan 2nd public forum with the Deer Committee. The committee voted in support of a Town Meeting Warrant Article.

Chairman Brown confirmed the Board of Selectmen has received a copy of the Deer Committee's report and the board will receive a report provided by Selectmen Kissinger later this evening as part of the BoS Liaison Reports agenda item.

Jeannie Geneckzo requested that a copy of the 2018 Deer Hunting Report be made available to public and posted on the Town Website.

Woodward Conservation Restriction – Discuss terms

The Board of Selectmen met with Town Counsel Ivria Glass Fried regarding the Woodward Conservation Land located at 767 Bedford Road purchased by the Town last year (partially with Community Preservation Act funds). As a condition of using CPA funds, a Conservation Restriction (CR) must be placed on the property. The Woodward CR is held by the Carlisle Conservation Foundation (CCF).

The O'Rourke land (purchased by the Town in 1997), is located just north and east of the Woodward parcel. The town sold this land to US Fish and Wildlife, but retained the water rights on a portion of the property in the event the Town decides to run a pipe to Maple Street.

The Executive Office of Energy and Environmental Affairs (EA) approves all CRs in the state. EA flagged the provision as a potential violation of Article 97 of the state constitution, which preserves land put in conservation. If a property owner wishes to change the use of the land it would require approval of the state legislature and a parcel of equal size must be devoted for conservation purposes. EA views the future piping for water as a change in use and requires legislative approval.

Town Counsel reviewed the two options for the Board of Selectmen to address the issue:

Option 1.

- Continue to include a provision in the CR that would allow for the pipe to be buried in this property. *(If the town wanted to bury the pipe, it would have to go through the Article 97 process).*

Option 2.

- CR remains silent on this issue. *(In order to bury the pipe, the CR would have be amended)*

Town Counsel recommends approval of Option 2. If the EA changes its position, the town would not have committed itself to the Article 97 process

On the motion made by Kate Reid and seconded by Alan Lewis, it was unanimously VOTED to select Option 2. ROLL CALL VOTE: A. Lewis-Aye, Ascolillo-Aye, N. Brown-Aye, K. Reid-Aye and K. Kissinger-Aye.

Sub-Committee Report & Appointments to Carlisle Housing Authority:

The Board of Selectmen sub-committee on Carlisle Housing Authority appointment planning was tasked with making recommendations for appoint to the Board of Selectmen consisting of three individuals who will serve as the Carlisle Housing Authority on an interim basis until the next Town Election in May 2019.

At their meeting held on January 8, 2018, the (BoS) Housing Sub-committee unanimously voted to recommend Mr. David Freedman, Mr. George Payne, and Ms. Beverly Shorey's names be recommended for Carlisle Housing Authority appointment by the Board of Selectmen

On the motion made by Kate Reid and seconded by Alan Lewis, it was unanimously **VOTED** to appoint the following individuals

- David Freedman (301 Hutchinson Road) replacing Morgan Bearse
- George Payne (575 South Street) replacing Mark Levitan
- Beverly Shorey (200 Tophet Road) replacing Steven Pearlman

on the Carlisle Affordable Housing Authority through the May 7, 2019 Annual Town Election. ROLL CALL VOTE: A. Lewis-Aye, Ascolillo-Aye, N. Brown-Aye, K. Reid-Aye and K. Kissinger-Aye.

On the motion made by Kate Reid and seconded by Alan Lewis, it was unanimously **VOTED** to amend the minutes of November 13, 2018 for the purpose of adding a list of documents presented at the meeting including the proposal as submitted by Nathan Brown on how the Board of Selectmen approach the Carlisle Housing Authority (CHA), the appointments to that group, and the Carlisle Affordable Housing Trust (CAHT) going forward. ROLL CALL VOTE: A. Lewis-Aye, Ascolillo-Aye, N. Brown-Aye, K. Reid-Aye and K. Kissinger-Aye.

Agricultural Commission – Right to Farm Bylaw presentation

The Board of Selectmen met with David Ely from the Agricultural Commission for a presentation on the proposed Right-to-Farm By-law

David Ely, John Lee and Desiree Ball of the Agricultural Commission came before the BOS asking for its support for the Right to Farm (RTF) bylaw. Mr. Ely said that the draft bylaw was based on a state template. It encourages the pursuit of agriculture, promotes agriculture-based economic opportunities and protects farmlands within the town by allowing agricultural uses and related activities to function with minimal conflict with abutters and town agencies. He said that several towns in Massachusetts, including Chelmsford, Littleton, Westford, Lincoln and Weston, already have adopted Right to Farm Bylaws.

The Board requested Town Counsel to confirm that the draft bylaw and the Noise Bylaw would not be in conflict with one another and to confirm definitions such as "commercial" farming.

Appointments:

On the motion made by Kate Reid and seconded by Alan Lewis, it was **VOTED** to appoint the School Facilities Manager Robert J. Fortado become an as the ex-officio member of the Municipal Facilities Committee. ROLL CALL VOTE: A. Lewis-Aye, Ascolillo-Aye, N. Brown-Aye, K. Reid-Aye and K. Kissinger-Aye.

Cemetery Deeds:

Cemetery Deed 726

On the motion made by Luke Ascolillo and seconded by Alan Lewis, it was unanimously **VOTED** that the Board of Selectmen vote to transfer land in the public burial ground to Douglas R. Sommer (125 Keith Hill Road) at Green Cemetery Lot D-257, Graves 1. ROLL CALL VOTE: A. Lewis-Aye, Ascolillo-Aye, N. Brown-Aye, K. Reid-Aye and K. Kissinger-Aye.

Cemetery Deed 121A

On the motion made by Luke Ascolillo and seconded by Alan Lewis, it was unanimously **VOTED** that the Board of Selectmen vote to transfer land in the public burial ground from Richard Cobb-Stevens, Cemetery Deed No. 121A, Grave 1 back to the Town of Carlisle. ROLL CALL VOTE: A. Lewis-Aye, Ascolillo-Aye, N. Brown-Aye, K. Reid-Aye and K. Kissinger-Aye.

Cemetery Deed 727

On the motion made by Luke Ascolillo and seconded by Alan Lewis, it was unanimously **VOTED** that the Board of Selectmen vote to transfer land in the public burial ground to Patricia and John Laskey (203 East Riding Drive) at Green Cemetery Lot D-126, Graves 1, 2, 3, and 4. ROLL CALL VOTE: A. Lewis-Aye, Ascolillo-Aye, N. Brown-Aye, K. Reid-Aye and K. Kissinger-Aye.

Cemetery Deed 728

On the motion made by Luke Ascolillo and seconded by Alan Lewis, it was unanimously **VOTED** that the Board of Selectmen vote to transfer land in the public burial ground to Patricia and John Laskey (203 East Riding Drive) at Green Cemetery Lot D-127, Graves 1, 2, 3, and 4. ROLL CALL VOTE: A. Lewis-Aye, Ascolillo-Aye, N. Brown-Aye, K. Reid-Aye and K. Kissinger-Aye.

Cemetery Deed 729

On the motion made by Luke Ascolillo and seconded by Alan Lewis, it was unanimously **VOTED** that the Board of Selectmen vote to transfer land in the public burial ground to Patricia and John Laskey (203 East Riding Drive) at Green Cemetery Lot D-128, Graves 1, 2, 3, and 4. ROLL CALL VOTE: A. Lewis-Aye, Ascolillo-Aye, N. Brown-Aye, K. Reid-Aye and K. Kissinger-Aye.

Town Administrator's Report:

1-East Street stop sign - The stop sign was installed on May 23, 2018 at the intersection of East Street and Rutland Street(on the outbound side of the road). Carlisle Police Department has been monitoring the site. There have been no collisions recorded since the sign was installed.

2-PEG Access Agreement - The Board of Selectmen received the final version of the PEG Local Access operating agreement with the Town of Concord. Town of Concord assumed responsibility for the cable services in October and is very interested in the execution of this agreement.

3- PEG Local Access operating agreement - The Town of Concord will manage Minuteman Media Network (MMN) and will provide Public, Educational and Government access television service to Town of Carlisle for an initial term of October 1, 2018 through June 30, 2019. Concord will provide approximately 20 hours of staff time per week for planning PEG-related functions in Carlisle, at an

hourly rate of \$50.75. Carlisle's PEG services have been funded through the contract agreement with Comcast, who pay a portion of the fees collected from cable users to the town to be used for PEG services.

On the motion made by Alan Lewis and seconded by Kate Reid, it was unanimously **VOTED** to approve the PEG Local Access operating agreement with the Town of Concord dated January 8, 2019. ROLL CALL VOTE: A. Lewis-Aye, Ascolillo-Aye, N. Brown-Aye, K. Reid-Aye and K. Kissinger-Aye.

3-Vote to Execute Grant of Easement (Arrowhead Lane) – Carlisle Conservation Commission has requested the Board of Selectmen vote to approve and execute quitclaim deed to two conservation parcels gifted to the Town off of Arrowhead Lane. The document will be released for recording purposes after the Board of Selectmen votes to accept the deed.

On the motion made by Kate Reid and seconded by Alan Lewis, it was unanimously **VOTED** that Board of Selectmen execute the Conservation Easement as granted by 1000, LLC., to the Town of Carlisle, a municipal corporation in the County of Middlesex, Commonwealth of Massachusetts having its usual place of business at 66 Westford Street, Carlisle, MA, in the care, custody and control of its Conservation Commission pursuant to M.G.L. c.40, §8C, the following parcels of land:

- 1) Parcel B on the "Plan of Land in Carlisle, Massachusetts (Middlesex County) For: Urban Scale 1"=60' April 9, 2015" prepared by Stamski and McNary, Inc. and recorded with the Middlesex North District Registry of Deeds in Plan Book 243 as Plan 99., Parcel B contains about 2.4868 acres, more or less, according to said plan.
- 2) A certain parcel of undeveloped land in said Carlisle, being shown as Lot A-2 on a plan entitled, "Plan of Land in Carlisle, Massachusetts (Middlesex County), for Barbara Trainor, Scale 1"=60', March 17, 2005" Stamski and McNary, Inc. 80 Harris Street, Acton, Mass.", recorded in Middlesex North District Registry of Deeds Book of Plans 218 at Page 13.
- 3) Lot A-2 contains 1.9243 acres, more or less, according to said plan.

ROLL CALL VOTE: A. Lewis-Aye, Ascolillo-Aye, N. Brown-Aye, K. Reid-Aye and K. Kissinger-Aye.

Meeting Schedule:

Tuesday, January 29, 2019
Tuesday, February 12, 2019

BoS Liaison Reports:

Alan Lewis / Energy Task Force – Collecting data from across the state regarding Pay As You Throw program and costs.

Nathan Brown / Technology Committee met recently to review the list of IT projects present at Town Meeting for completion. There are only a few projects that remain. FY20 budgeting for computer replacements now in process.

Kate Reid / Municipal Facilities Committee continues to meet weekly on the list of projects

Kerry Kissinger / Deer Committee - On Jan 2, 2019, the Deer Committee met to review the 2018 Deer Hunting Report and receive input from the public. The report will be presented to the Board of Selectmen at their next meeting. Three members of the Deer Committee voted in favor of recommending a Town Meeting warrant article to continue hunting on Town Land and the other remaining members abstained from voting because they are hunters.

The Board requested to see a copy of the Jan 2nd Deer Committee minutes along with the final report.

Minutes Approval Cont.:

- **April 10, 2018 (VOTE TO AMEND)**

Nathan Brown explained that the April 10, 2018 minutes will need to be amended to correct the deadline date as established by the Board of Selectmen regarding the temporary management of Center Park. The video recording of the April 10th meeting confirms that the deadline date was December 31, 2018 not July 2019.

On the motion made by Kate Reid and seconded by Luke Ascolillo, it was unanimously **VOTED** to amend the meeting minutes of April 10, 2018 with regards to the motion as voted for the Center Park Management Options as follows:

*On the motion made by Kate and seconded by Claude Von Roesgen, it was unanimously **VOTED** to approve Option 2 with the designation of the Town Administrator as the Spending Authority for the Center Park Fund **through December 31, 2018**. If there are no volunteers to establish a "Friends of Center Park" as a Non-for Profit Corporation or to take over the management of the park by this time, the park shall then be maintained by the Department of Public Works.*

ROLL CALL VOTE: A. Lewis-Aye, Ascolillo-Aye, N. Brown-Aye, K. Reid-Aye and K. Kissinger-Aye.

- **December 11, 2018**

On the motion made by Alan Lewis and seconded by Luke Ascolillo, it was unanimously **VOTED** to approve the minutes of December 11, 2018 as amended. ROLL CALL VOTE: A. Lewis-Aye, Ascolillo-Aye, N. Brown-Aye, K. Reid-Aye and K. Kissinger-Aye.

Executive Session – MGL Ch. 30A, §21(a) paragraphs (2) and (3)

Strategy/collective bargaining session/contract negotiation with respect to union/nonunion contracts:

1. Policy Union Contract
2. Teacher's Union Contract
3. Police Chief Contract

On the motion made by Kate Reid and seconded by Alan Lewis, it was unanimously **VOTED** that the Board enter into executive session pursuant to MGL Ch. 30A, §21(a) paragraphs (2) and (3) to discuss strategy with respect to the Police union contract, the Teacher's union contract and the Police Chief's employment agreement as an open meeting may have a detrimental effect on the Town's bargaining position and that afterwards the Board will not return to open session. ROLL CALL VOTE: A. Lewis-Aye, Ascolillo-Aye, N. Brown-Aye, K. Reid-Aye and K. Kissinger-Aye.

Meeting Adjourned

